IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 77-184

ALAN ERNEST, Next Friend of Unborn Child Roe
And All Others Similarly Situated

Petitioner

vs.

JIMMY CARTER, President of the United States;
GRIFFIN B. BELL, Attorney General of the United
States; EARL J. SILBERT, United States Attorney
for the District of Columbia

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

ALAN ERNEST
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Alexandria, Va 22311

The Petitioner Pro Se

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ALAN ERNEST, Next Friend of Unborn Child Roe
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JIMMY CARTER, President of the United States; GRIFFIN B. BELL, Attorney General of the United States; EARL J. SILBERT, United States Attorney for the District of Columbia.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Alan Ernest, the petitioner, hereinafter referred to as "next friend," prays that a writ of certiorari issue to the United States Court of Appeals for the District of Columbia Circuit.

OPINIONS BELOW

The courts below issued no opinions.

JURISDICTION

1. The order to be reviewed was entered by the Court of Appeals May 17, 1977. (Appendix A-2, infra)

2. The motion for rehearing and suggestion for rehearing en banc was denied by the Court of Appeals on June 14, 1977. (Appendix A-3, 4, infra)

3. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

FIFTH AMENDMENT: "No person shall . . .be deprived of life . . . without due process of law. . ."

FOURTEENTH AMENDMENT: "(N)or shall any State deprive any person of life. . .without due process of law."

QUESTIONS PRESENTED

1. For the fourth time, the Supreme Court is petitioned to overrule Roe v Wade, 410 US 113(1973) on the grounds that it is based on false evidence, and millions of lives have been unconstitutionally exterminated.

EXHIBIT A(a copy has been filed in the Clerk's office) shows that (1) the express, uncontradicted, universal terms of the due process clause, on their face, protect the lives of the unborn, and (2) the truthful history establishes that these express, uncontradicted, universal terms mean just what they say, as to protecting the lives of the unborn, and (3) the holdings of Chief Justice John Marshall(that can be traced through the Constitution, The Federalist Papers, and the Federal Convention of 1787) show that, under these circumstances, the Supreme

Court had no lawful power to create an exception to these express, uncontradicted, universal terms, - much less to deny them by false evidence.

2. The Court of Appeals can be understood to have held that, granting the truth of the allegation in the Complaint that the Supreme Court had unconstitutionally exterminated millions of lives by false evidence to which it had deliberately adhered, the Court of Appeals was bound by Roe v Wade, and the unborn could not defend their constitutional rights in a federal court. The Supreme Court is petitioned to declare this doctrine of blind obedience to illegal orders to be a blatant violation of the United States Constitution.

3. The Supreme Court is also petitioned to overrule United States v Vuitch, 402 US 62(1971). See **EXHIBIT C.**(a copy has been filed in the Clerk's office.)

STATEMENT OF THE CASE

On September 17, 1976, the complaint was filed in the United States District Court for the District of Columbia, demanding,among other things, that the trial court adjudge Roe v Wade to be illegal, null and void on the grounds that it is based on false evidence, and to enjoin it in the District of Columbia.

EXHIBIT A shows that (1) the express, universal terms of the due process clause, on their face, protect the lives of the unborn, and (2) the truthful history shows that these express, universal terms mean just what they say, with respect to protecting the lives of the unborn, and (3) the holdings of Chief Justice John Marshall (that can be traced through the Constitution, The Federalist Papers, and

the Federal Convention of 1787) show that, under these circumstances, the Supreme Court had no lawful authority to deny the protection of those express, uncontradicted, universal terms to the unborn,- and certainly no power to deny those express, universal terms with false evidence.

On October 7, 1976, the next friend filed a motion for summary judgment, and that same day, the respondents filed a motion to dismiss. The respondents never replied to the motion for summary judgment.

On October 19, 1976, the trial court dismissed the case with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.(Appendix A-1)

On November 11, 1976, the case was docketed in the United States Court of Appeals for the District of Columbia Circuit. That same day a petition for a writ of certiorari prior to judgment in the court of appeals was filed in this Court. It was denied on February 22, 1977.

On May 17, 1977, the Court of Appeals granted, without comment, the respondents motion for summary affirmance. The motion presented two grounds:

(1) the next friend had no standing
(2) the Court of Appeals was bound by Roe v Wade

Reasonable people can understand this summary affirmance by the Court of Appeals to stand for the following. It is settled that for "purposes of ruling on a motion to dismiss for want of standing, both the trial and reviewing courts must accept as true all material allegations of the complaint." Warth v Seldin, 45 L Ed 2d 243, 254(1975). The complaint charged that "the Supreme Court of the United States had unconstitutionally exterminated millions

of lives by false evidence to which it had twice deliberately adhered." Complaint 10. Consequently the Court of Appeals effectively held that, accepting as true the allegation that the Supreme Court had unconstitutionally exterminated millions of lives by false evidence to which it has deliberately adhered, the Court of Appeals was bound by Roe v Wade, and the unborn could not defend their constitutional rights in a federal court.

This is worse than "solemn mockery." The petition for rehearing noted: "What sentient mind can contemplate a court's summary affirmance on such doctrines and not find itself seeking parallels to the Nazi legal system under Hitler?"

On June 14, 1977, the Court of Appeals denied the motion for rehearing and suggestion for rehearing en banc, without comment.(Appendix A-3,4)

JURISDICTION IN THE COURT OF FIRST INSTANCE

The United States District Court for the District of Columbia had jurisdiction under the Fifth and Fourteenth Amendments of the Constitution, and 22 D.C. Code 201, and 28 U.S. Code, Sections 1331, 1361, 1651, 2201, 2202, and 1343(4).

REASONS FOR GRANTING THE WRIT

The Supreme Court of the United States is charged with unconstitutionally exterminating millions of lives by false evidence to which it has now three times deliberately adhered.

Each Justice is "bound by oath" to uphold the Constitution, and holding office is conditioned on

"good behaviour." In regards to this:

1. In Roe v Wade, the Supreme Court asserted facts to be true, and has deliberately adhered to them through three separate challenges. EXHIBIT A shows these unqualified assertions of certitude to be not true. And as Abraham Lincoln warned: "(H)e who asserts a thing which he does not know to be true, falsifies as much as he who knowingly tells a falsehood." 3 The Collected Works of Abraham Lincoln 22 (Basler ed. 1953)

2. Furthermore, it appears that the Supreme Court could not have reached its abortion conclusion but for these false assertions; and that the Court is now deliberately adhering to them. Would not the charge that Lincoln brought against the Dred Scott case now pertain to Roe v Wade: "It is the first of its kind; it is an astonisher in legal history. It is a new wonder of the world. It is based on falsehood in the main as to the facts . . . upon which it stands." 2 Collected Works of Abraham Lincoln 495 (Basler ed. 1953)

3. The ancient test of judicial validity is that no judgment shall be passed until all the facts have been heard. As was asked in John 7:51(New English Bible): "Does our law permit us to pass judgment on a man unless we have first given him a hearing and learned the facts?" And the Supreme Court itself has held that "the fundamental requisite of due process of law is the opportunity to be heard." Grannis v Ordean, 234 US 385, 394(1914). And Blackstone was quoted in The Federalist Papers, No. 84: "To bereave a man of life . . . without . . . trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole nation." Has the Supreme Court not, in effect, passed just such a sentence of death upon millions and refused to even hear the evidence?

4. In addition to Abraham Lincoln's warning about "falsehood," Chief Justice John Marshall held that for judges to "swear" to discharge their duties "agreeably to the constitution" and then "to close their eyes on the constitution, and . . . .condemn to death those victims whom the constitution endeavours to preserve" is worse than "solemn mockery," it is a "crime." Marbury v Madison, 1 Cranch. 137, 179-180(1803).

5. It is charged that the Supreme Court first condemned tens of thousands of victims to death on no evidence whatsoever (United States v Vuitch)and then condemned millions of victims to death on false evidence(Roe v Wade). At Nuremberg judges were given life sentences. The Nuremberg court noted that those judges had condemned victims to death based either on no evidence or doubtful evidence. "The dagger of the assassin was concealed beneath the robe of the jurist." The Justice Case, 3 Trials of War Criminals before the Nuremberg Military Tribunals 984.

Once again, the Supreme Court is reminded that EXHIBIT A at 30-32 shows that all next friend need do is raise reasonable doubts about Roe v Wade, and it must be overruled. However it is submitted that EXHIBIT A is so conclusive that reasonable people can find, beyond a reasonable doubt, that Roe v Wade is illegal, null and void.

If EXHIBIT A shows that: (1) the express uncontradicted, universal terms of the due process clause, on their face, protect the lives of the unborn, and (2) that the truthful history shows that these express, uncontradicted, universal terms mean just what they say, and (3) the holdings of Chief Justice John Marshall (that can be traced through the Constitution, the Federalist Papers, and the Federal Convention of 1787) show that, under these circumstances, the Supreme Court had no lawful authority to deny the protection of these express, uncontradicted, universal terms to the unborn, and

(4) the Supreme Court based its denial of these express, universal terms of the due process clause on false evidence,- then what can truth seeking and law abiding people conclude about the legality of Roe v Wade?

If EXHIBIT C shows that the Supreme Court created a new justification for homicide, designed to routinely exterminate human life, without any documented examination whatsoever to see if those lives would be unconstitutionally exterminated, then what can truth seeking and law abiding people conclude about United States v Vuitch?

No doubt these are the most astounding charges against a court in the entire history of the world. Surely it is one of the greatest nightmares in all legal history for charges such as this to be made year after year and not answered. The Supreme Court must face the charges, and either prove them false so that no prudent person could see any reasonable basis for them, or it must overrule Roe v Wade.

CONCLUSION

The veracity of the Supreme Court and its judicial truth seeking process is challenged and this demands that the Court either grant this petition, and set this case down for a full and fair hearing on the merits, or summarily overrule Roe v Wade and United States v Vuitch sua sponte.

Alan Ernest
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The Petitioner Pro Se

APPENDIX

Order of the Trial Court

United States District Court
For The District Of Columbia

Unborn Child Roe, et al., Plaintiffs,	)	
vs.	)	Civil Action No. 76-1744
Gerald R. Ford, et al., Defendants.	)	

ORDER

Upon consideration of defendants Edward H. Levi and Earl J. Silbert motion to dismiss the complaint and the memorandum in support thereof, and the court being fully advised in the premises, it is by the Court, this 19th day of October, 1976,

ORDERED that the complaint be and the same is hereby dismissed with prejudice for lack of subject matter jurisdiction and failure to a claim upon which relief can be granted.

/S/ Aubrey E. Robinson Jr.
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CURCUIT

No. 76-2014 September Term 1976
Civil Action 76-1744

Unborn Child Roe, and all
others similarly situated,
by next friend Alan Ernest,
Appellant

v.

Gerald R. Ford, President of
the United States, et al.

BEFORE: Bazelon, Chief Judge; Leventhal, Circuit Judge.

O R D E R

On Consideration of appellees' motion for summary affirmance, the opposition thereto, and of the appellant's motion to expedite appeal, it is

ORDERED by the Court that the aforesaid motion for summary affirmance is granted and the order of the District Court on appeal herein is affirmed, and it is

FURTHER ORDERED by the Court that the motion to expedite appeal is denied as moot.

Per Curiam

Filed May 17, 1977
George A. Fisher
Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 76-2014 September Term 1976
Unborn Child Roe and all Civil Action 76-1744
others similarly situated,
by next friend Alan Ernest,
Appellant Filed June 14, 1977
George A. Fisher
v. Clerk

Jimmy Carter, President of
the United States, et al.

BEFORE: Bazelon, Chief Judge; Leventhal, Circuit Judge.

O R D E R

On Consideration of appellant's petition for rehearing it is

ORDERED by the Court that the aforesaid petition is denied.

Per Curiam
For the Court:
George A. Fisher, Clerk
By: Robert A. Bonner/s/
Robert A. Bonner
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 76-2014
Unborn Child Roe and all others similarly situated, by next friend Alan Ernest,
Appellant

v.

Jimmy Carter, President of the United States, et al.

September Term 1976
Civil Action 76-1744

Filed June 14, 1977
George A. Fisher
Clerk

BEFORE: Bazelon, Chief Judge, Wright, McGowan, Tamm, Leventhal, Robinson, MacKinnon, Robb and Wilkey, Circuit Judges.

O R D E R

On consideration of appellant's suggestion for rehearing en banc, and no judge of the Court in regular active service having called for a vote thereon, it is

ORDERED by the Court, en banc, that appellant's aforesaid suggestion is denied.

Per Curiam

For the Court:
George A. Fisher, Clerk
By: Robert A. Bonner/s/
Robert A. Bonner
Chief Deputy Clerk